

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOYCE RICHARDSON,

Plaintiff,

Civil Action No. 21-CV-10259

vs.

HON. BERNARD A. FRIEDMAN

MARK ANTHONY PRICE, et al.,

Defendants.

**OPINION AND ORDER GRANTING PLAINTIFF'S APPLICATION TO
PROCEED IN FORMA PAUPERIS AND DISMISSING THE COMPLAINT**

This matter is presently before the Court on plaintiff's application to proceed in forma pauperis [docket entry 2]. For the following reasons, the Court shall (1) grant the application and therefore allow the complaint to be filed without prepayment of the filing fee, and (2) dismiss the complaint because it is a state law action over which this Court can exercise jurisdiction only if the parties are completely diverse. *See* 28 U.S.C. § 1332.

Pursuant to 28 U.S.C. § 1915(a)(1), the Court may permit a person to commence a lawsuit without prepaying the filing fee, provided the person submits an affidavit demonstrating that he/she "is unable to pay such fees or give security therefor." In the present case, plaintiff's application to proceed in forma pauperis makes the required showing of indigence. The Court shall therefore grant the application and permit the complaint to be filed without requiring plaintiff to prepay the filing fee.

Pro se complaints are held to "less stringent standards" than those drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Nonetheless, the Court is required by statute to dismiss an in forma pauperis complaint if it

- (i) is frivolous or malicious;
- (ii) fails to state a claim on which relief may be granted; or
- (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2)(B). Further, whether plaintiff has paid the filing fee or not, the Court must also dismiss any complaint over which it lacks subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

In the present case, plaintiff seeks compensatory damages under state tort law for injuries resulting from a vehicle collision, which occurred on February 4, 2018, in Detroit. The complaint states that plaintiff is a citizen of Michigan and the three defendants are citizens of Michigan, Georgia, and Illinois, respectively. The parties thus lack complete diversity of citizenship, as both plaintiff and a defendant are citizens of Michigan. This is a state law matter that must be pursued in state court. Accordingly,

IT IS ORDERED that plaintiff's application for leave to proceed in forma pauperis is granted. The complaint is filed and the filing fee need not be prepayed.

IT IS FURTHER ORDERED that the complaint is dismissed for lack of subject matter jurisdiction.

Dated: February 8, 2021
Detroit, Michigan

s/Bernard A. Friedman
Bernard A. Friedman
Senior United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 8, 2021.

Joyce Richardson
4327 Bishop
Detroit, MI 48224

s/Johnetta M. Curry-Williams
Case Manager